

SAFE DRINKING WATER ACT9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements1. AUTHORITY. Pursuant to the Safe Drinking Water Act (SDWA):

- a. to propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA;
- b. to issue, amend or withdraw complaints;
- c. to negotiate consent agreements between the Agency and respondents; and
- d. to sign consent agreements between the Agency and respondents.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b., 1.c. and 1.d. are delegated to the Director, Water Protection Division (WPD); and the Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).
- b. The authority in 1.c. is delegated to the Associate Division Director for Municipal Assistance, WPD; the Associate Division Director for Compliance and Enforcement, WPD; Chief, Drinking Water Branch, WPD; and the Chief, Safe Drinking Water Act Branch, WPD; Chief, Enforcement and Compliance Assistance Branch, OECEJ, and to the Regional Counsel or his/her designee.

3. LIMITATIONS.

- a. These authorities may only be exercised prior to the alleged violator's filing an answer or failure to file a timely answer to a complaint.
- b. The WPD and OECEJ delegates must obtain the concurrence of the Regional Counsel before exercising these authorities.
- c. The Director OECEJ may exercise these authorities only in multi-media cases.
- d. The Director OECEJ must consult with the WPD delegates before exercising these authorities.

SAFE DRINKING WATER ACT9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements (Cont.)

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

- a. Section 1414(g)(1) and (3) of the SDWA.
- b. Section 1445 of the SDWA.
- c. 40 C.F.R. Part 22.
- d. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
- e. Guidance on Headquarters Involvement in the Issuances by Regions of the first Proposed and Final Administrative Orders.
- f. Chapter 9 Delegation entitled "Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals" for authorities once the alleged violator files or fails to file an answer to the complaint.
- g. Regional Delegation 1200 TN RIII-63, Delegations of Authorities to Appear and Represent EPA and to Negotiate Proposed Settlements, dated November 2, 1987.

6. SUPERSESSION. Delegations Manual, SDWA, Regional Delegation 9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements, 1200 TN RIII-106 (June 7, 1995).

Date June 21, 2004

/s/ Donald S. Welsh
Donald S. Welsh
Regional Administrator